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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,250	08/13/2001	Brian Minear	010237	8795

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
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EXAMINER	
APPIAH, CHARLES NANA	
ART UNIT	**PAPER NUMBER**
2686	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/929,250	MINEAR ET AL.	
	Examiner	Art Unit	
	Charles Appiah	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 09, 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cowan (5,848,064) in view of Eagle (6,226,739).**

Regarding claims 1, 8 and 16 and 20 Cowan discloses a system and a wireless device for loading and deletion of software components on a wireless device in selective communication with a wireless network (see Fig. 1), comprising: at least one wireless device (36) having a resident storage with at least one or more executable software applications wherein at least one resident software application includes one or more application components and application-associated data, the storage having a limited capacity (see col. 3, lines 32-40, col. 7, lines 13-36), at least one application download server (30) on the wireless network (feature of host computer), the application server selectively communicating with the at least one wireless device and downloading

software applications and application components to the one or more wireless devices across the wireless network (see col. 3, lines 3-18). Cowan teaches the wireless device selectively prompts the application server across the wireless network for transmission of one or more application components, and installs the transmitted one or more application components such that the one or more resident applications including the installed application components are executable on the wireless device (see col. 3, lines 40-53). Cowan teaches wherein when one or more application components are needed for the execution of one or more software applications, the wireless device selectively prompts the application server across the network for transmission of the one or more application components, and installs the transmitted one or more application components such that the one or more resident applications including the installed components are executable on the wireless device (mobile terminal being programmed to discard immediately the old version of each file prior to downloading the package of new files anytime there is a new version of operating software to be downloaded when the mobile is operating in the replace mode, see col. 12, lines 36-43). Cowan fails to explicitly teach that upon storage capacity being needed by the at least one wireless device, the wireless device selectively deletes one or more application components of the one or more resident software applications from the storage without loss of the application-associated data.

Eagle discloses a method and computer program for distributing software to a personal palm-type device in which to provide for the updating of an application, a process for deleting all application programs other than essential administrative

application programs is first carried out in order to free memory space and then an upgraded software is loaded into the now available memory space (see Fig. 2, col. 2, lines 5-31, col. 3, lines 28-65 and col. 4, lines 2-65).

It would therefore have been obvious to one of ordinary skill in the art to combine Eagle's method of software distribution to Cowan's remote downloading and updating system in order to provide sufficient memory capacity to store needed upgraded software into limited storage capacity devices as taught by Eagle.

Regarding claims 2-5 and 7 Cowan further shows the application-associated data includes inherently a license for use of the software application, user-specific data (inherent in memory 66 also has stored therein the current versions of the mobile terminal operating software for the various mobile terminals ..,, identifies particular package of operating software which is to be utilized by the corresponding mobile terminal , see col. 8, lines 19-32), wherein the application associated data includes application components necessary to execute the application on the wireless device (see col. 7, lines 13-36) and wherein the wireless device is a cellular telephone, and a pager (see col. 5, lines 15-25).

Regarding claims 6 and 18 Cowan as modified by Eagle disclose that the wireless terminal include mobile devices that can roam from cell to cell such as data terminals, telephones, pagers, etc., and that other types of mobile devices are contemplated (see Cowan, col. 5, lines 15-25) while Eagle discloses that the wireless device is a personal digital assistant (see col. 1, line 66 to col. 2, line 34).

Claims 9, 15 and 20 which recites a method for managing the loading and deleting of components of one or more software applications resident on a wireless device and a program that directs a wireless device having a computer platform in a computer readable medium to perform a method implemented in the system of claims 1, 8 and 16 are rejected for the same reasons as set forth in the rejection of claims 1, 8 and 16 above.

Regarding claim 10, Cowan further shows wherein the step of establishing a communication link is establishing a communication link through a cellular telecommunication network (see Fig. 1, col. 5, lines 15-35), while Eagle discloses that the palm-type device include cellular phones and related wireless devices (see col. 4, lines 1-9).

Regarding claim 11, Cowan's teaching of discarding immediately the old version of each file prior to downloading (see col. 12, lines 39-43) would inherently read on wherein the step of establishing a communication link occurs upon the wireless device intending to execute a resident software application for which one or more associate components have been deleted, since it is inherent that without the new package of files the programs using the discarded files would not execute.

Regarding claim 12, Cowan shows the step of selectively deleting at the wireless device one or more application components of the one or more resident software application is selectively deleting the one or more application components of the one more resident software applications at the direction of the user of the wireless device (see col. 11, line 66 to col. 12, line 19).

Regarding claim 13, Cowan further discloses wherein the step of establishing a communication link occurs upon a user of the wireless device prompting the application download server to transmit over the wireless network one or more application components for a resident software application for which one or more associated components have been deleted (see col. 12, lines 20-28).

Regarding claim 14, Cowan further discloses wherein the step of selectively deleting at the wireless device one or more resident software applications is selectively deleting the one or more application components of the one or more resident software application is determined by the wireless device (see col. 12, lines 36-43).

Regarding claims 17 and 19 Cowan further discloses wherein the wireless device is a cellular telephone, and a pager (see col. 5, lines 15-25). .

Claims 21, 26, 31 and 36 are rejected for the same reasons as set forth in the rejection of claims 1, 8, 16 and 20 above.

Regarding claims 22, 27, 32 and 37 Cowan further discloses requesting, over a network a download of the target software application (see col. 6, lines 41-51).

Regarding claims 23, 28, 33 and 38 the combination of Cowan and Eagle further discloses loading the target software application into the available storage capacity of the memory, the memory containing the application associated data for the deleted resident software as taught by Eagle (see col. 4, lines 18-41).

Regarding claims 24, 29, 34 and 39 the combination of Cowan and Eagle discloses fails to specifically disclose the feature of sending a request, over a network, for the deleted software component, after deleting of the software component, and

during a period in which the memory contains the application-associated data for the deleted resident software. However, since Cowan discloses requesting, over a network a download of the target software application (see col. 6, lines 41-51) and Eagle teaches replacing the deleted software applications with upgraded versions so that the personal palm-type device is left in its original but upgraded state (see col. 4, lines 42-65), it would have been obvious to one of ordinary skill in the art to provide for the request of the deleted software programs after making memory capacity available through selective deletion as taught by Eagle in order to provide sufficient memory capacity to store needed upgraded software into limited storage capacity devices as taught by Eagle.

Regarding claims 25, 30, 35, 40 the combination of Cowan and Eagle further discloses as taught by Eagle, loading the deleted software component back into the available storage capacity of the memory, during a period in which the memory contains the application-associated data for the deleted resident software (see col. 4, lines 51-65 of Eagle).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson, Jr. et al. (US 2003/0018825) discloses a system for providing platform-independent shared software components for mobile devices. Barber et al. (5,471,518) discloses a cellular telephone that stores programming and certain changing parameters in the same non-volatile flash memory.

Response to Arguments

4. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA

CHARLES APPIAH
PRIMARY EXAMINER